



10 AUG 2006

GREENBERG TRAURIG, LLP  
MET LIFE BUILDING  
200 PARK AVENUE  
NEW YORK NY 10166

In re Application of	:	
LIVINGSTON	:	
Application No.: 10/595,669	:	DECISION ON
PCT No.: PCT/US04/30624	:	
Int. Filing Date: 20 September 2004	:	PETITION UNDER
Priority Date: 19 September 2003	:	
Attorney Docket No.: 56545.010401	:	37 CFR 1.137(b)
For: ROUGE FREE PHARMACEUTICAL WATER	:	
FOR INJECTION (WFI) WATER SYSTEM	:	

This decision is in response to applicant's submission filed 03 May 2006.

### **BACKGROUND**

On 20 September 2004, applicant filed international application PCT/US04/30624 which designated the U.S. and claimed a priority date of 19 September 2003. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 31 March 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 20 March 2006 (19 March 2006 being a Sunday).

On 03 May 2006, applicant electronically filed for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee, an assertion of small entity status, a declaration of the inventor, and a petition under 37 CFR 1.137(b) to revive the application.

### **DISCUSSION**

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 03 May 2006.

As to item (2), applicant submitted the petition fee on 03 May 2006.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

Declaration of Inventors

The declaration of inventors filed 03 May 2006 is in compliance with 37 CFR 1.497(a)-(b). The name Robert Livingston, as indicated in the declaration of inventors filed 03 May 2006, is construed as being a shortened version of the name Robert C. Livingston, as indicated in the publication of the international application. If this interpretation is incorrect, applicant is required to notify the Office of PCT Legal Administration immediately.

The surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage has been charged to Deposit Account 50-1561.

**CONCLUSION**

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Daniel Stemmer  
Legal Examiner  
PCT Legal Affairs  
Office of Patent Cooperation Treaty  
Legal Administration  
Telephone: (571) 272-3301  
Facsimile: (571) 273-0459